

REMARKS

The action says that the Information Disclosure Statement of June 10, 2008 wasn't considered because the references weren't supplied. This is wrong. The references were supplied and are in the file history on PAIR. The undersigned has communicated several times with the examiner about this and she said if a reply were filed she would consider the Information Disclosure Statement. A reply is now filed. Consideration of the Information Disclosure Statement of June 10, 2008 is requested.

We turn now to the rejections.

Claims 75-84 are rejected (paragraph 9) under 35 U.S.C. 112 for failing to comply with the written description requirement so far as the phrase "nitroglycerin tolerance so the patient no longer responds to nitroglycerin." In reply compliance is found in Background Example 4 and paragraphs 206 and 207 of the published application.

Claim 84 is rejected (paragraph 10) under 35 U.S.C. 112, first paragraph, on the basis that the specification is only enabling for treatment of angina. In reply, it is submitted this position is defective at least because it misses that the invention is independent of disease and is directed to restoring clinical sensitivity to nitroglycerin in patients who no longer respond to nitroglycerin.

Claim 84 is rejected (paragraph 12) under 35 U.S.C. 112, second paragraph, as being indefinite in the phrase "a nitroglycerin sensitivity restoring amount." It is submitted that in context, this clearly means amount restoring response to nitroglycerin

in a patient who no longer responds to nitroglycerin.

Claims 75-78 and 81 are rejected (paragraph 14) under 35 U.S.C. 102(b) as being anticipated by Weischer. In reply, there is no anticipation because Weischer treats a patient with some degree of sensitivity and the claims treat a patient who no longer responds to nitroglycerin.

Claims 75-83 are rejected (paragraph 15) under 35 U.S.C. 112, first paragraph, on the basis the claims are only enabled for treating angina. See the answer above for lack of enablement rejection of claim 84 in reply here.

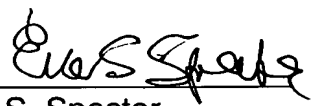
Claims 75-83 are rejected (paragraph 16) under 35 U.S.C. 112, second paragraph. In reply, exemplary dosage is definitely expressed in [0206] and [0207] of the published application.

Claims 75-78 and 81 are rejected (paragraph 17) as anticipated by Weischer. In reply, the position is wrong because Weischer does not treat a patient who no longer responds to nitroglycerin.

Paragraphs 18 and 19 are 103 rejections which include Weischer in the art combination. These rejections are defective because Weischer is defective as described above.

Consideration of the Information Disclosure Statement and allowance are respectfully requested.

Respectfully submitted,
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